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TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1925

No. 424

THE UNITED STATES OF AMERICA, APPELLANT

vs.

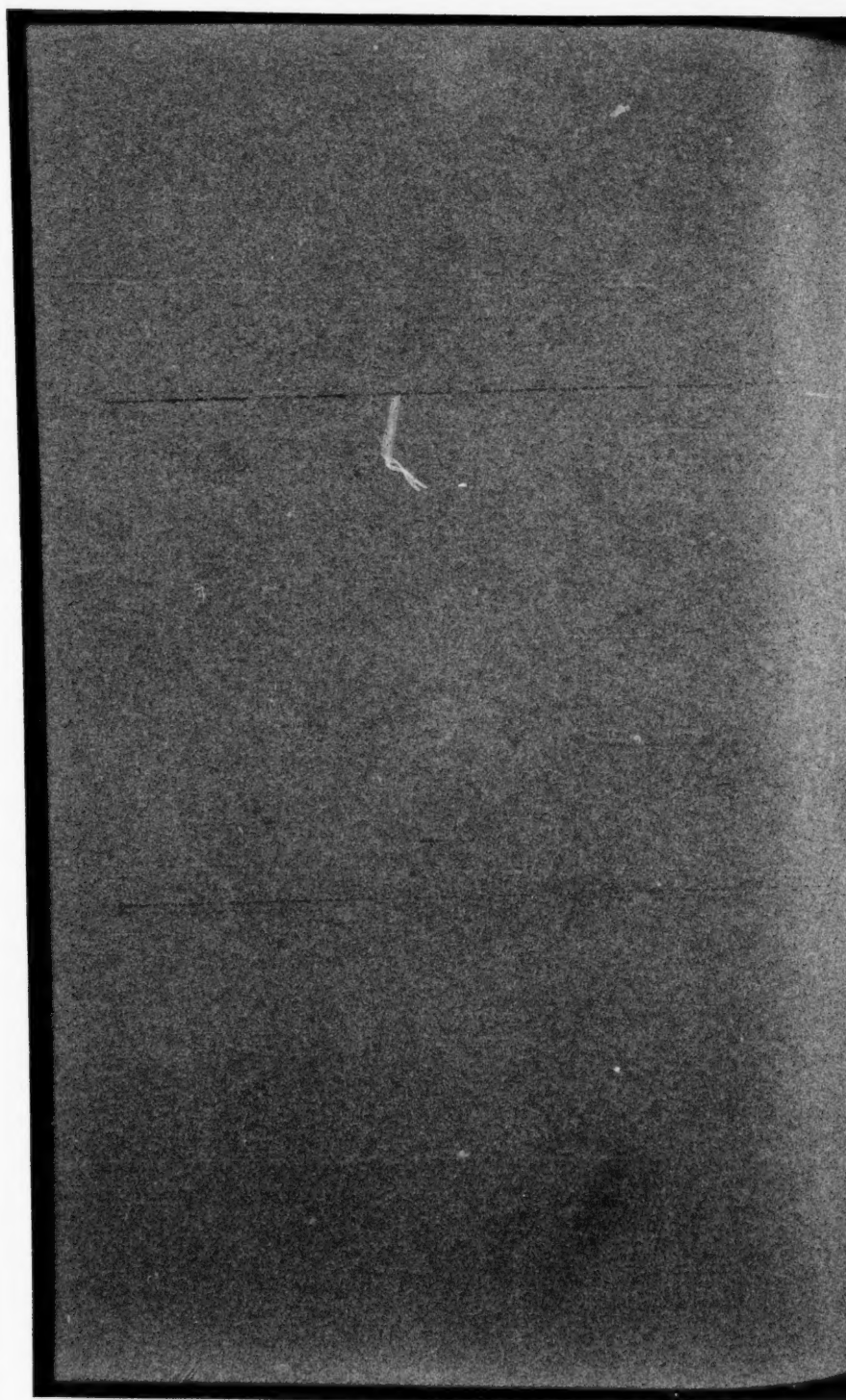
SECURITIES CORPORATION GENERAL

APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT OF
COLUMBIA

FILED MAY 6, 1926

(31181)

No. 424



SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1925

No. 424

THE UNITED STATES OF AMERICA, APPELLANT

vs.

SECURITIES CORPORATION GENERAL

APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT OF
COLUMBIA

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COURT OF APPEALS OF THE DISTRICT OF
COLUMBIA

OCTOBER TERM, 1924

No. 4201

UNITED STATES OF AMERICA, APPELLANT

vs.

SECURITIES CORPORATION GENERAL, A CORPORATION
APPELLEE

APPEAL FROM THE SUPREME COURT OF THE DISTRICT
OF COLUMBIA

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A Supreme Court of the District of Columbia

SECURITIES CORPORATION GENERAL, A CORPORATION,
complainant

vs.

FRANK WHITE, TREASURER OF THE UNITED
States, and Thomas W. Miller, Alien Property
Custodian, defendants

Equity No. 41153

UNITED STATES OF AMERICA,
District of Columbia, ss:

Be it remembered, that in the Supreme Court of the District of
Columbia, at the city of Washington, in said District, at the times
hereinafter mentioned, the following papers were filed and proceedings
had in the above-entitled cause, to wit:—

Bill of complaint

FILED APRIL 4, 1923

In the Supreme Court of the District of Columbia

SECURITIES CORPORATION GENERAL, A CORPORATION,
complainant,

vs.

FRANK WHITE, TREASURER OF THE UNITED STATES,
and Thomas W. Miller, Alien Property Custodian,
defendantsEquity No.
41,153*To the Supreme Court of the District of Columbia:*

Securities Corporation General, complainant herein, respectfully states to this honorable court as follows:

1. That it is a corporation organized under the laws of the State of Virginia, and that it brings this suit under the provisions of section 9 of an act of Congress approved October 6, 1917, as amended, and commonly known as the trading with the enemy act.

2. That the defendants, Frank White and Thomas W. Miller, are citizens of the United States, and are sued as Treasurer of the United States and as Alien Property Custodian, respectively.

3. That the purpose of this suit is to establish a debt owing to complainant by the Imperial German Government and by its successor Government, the Republic of Germany, and to obtain from this honorable court an order directing the debt to be paid out of the money, or other property, formerly belonging to said

2 Imperial German Government which was delivered or paid to and is now held by the defendants.

4. That the complainant is a person, not an enemy or an ally of an enemy within the meaning of section 9 of the trading with the enemy act, approved October 6, 1917, as amended.

5. That on October 6, 1917, the date of the approval of the said trading with the enemy act, the Imperial German Government was an enemy within the meaning of said act and continued to be an enemy until it ceased to exist as a government.

6. That prior to October 6, 1917, the Imperial German Government owed to complainant the sum of two hundred and fifty thousand dollars (\$250,000) evidenced by 6% Treasury notes of the par value of forty thousand dollars (\$40,000) dated May 6, 1916, and of the par value of two hundred and ten thousand dollars (\$210,000) dated May 24, 1916, all of said notes payable on April 1, 1917, known as series 26; that complainant purchased said notes for value long prior to the declaration of war between the United States and Germany and prior to October 6, 1917; and that said notes aggregating two hundred and fifty thousand dollars (\$250,000) constitute a debt within the meaning of the provisions of section 9 of the trading with the enemy act, as amended; that on or about March 14, 1917, the payment and maturity of these notes was extended to April 1, 1918, and interest thereon paid in advance to September 1, 1918;

3 that thereafter, and on the 1st day of April, 1920, the amount of eight thousand eighty-three dollars and thirty-three cents (\$8,083.33) was paid to complainant out of funds which had been paid to the Alien Property Custodian as the property of the Imperial German Government, which said payment, being applied by complainant on account of past due interest, paid said interest up to and including the 14th day of March, 1919.

7. That since said last stated date no interest has been paid and the same is past due and in default and has accrued and is accruing upon said indebtedness at the rate of six per centum (6%) per annum, and has become and is becoming a part of the principal of said indebtedness.

8. That the Alien Property Custodian now has in his possession, or to his credit in the Treasury of the United States, funds of the Imperial German Government which were paid and delivered to him under the provisions of said trading with the enemy act, as amended, and which are available by law, sufficient to pay the entire indebtedness, both principal and past due interest owing to complainant.

9. That the present German Government has recognized the debt of the Imperial German Government and has admitted the indebtedness claimed by Securities Corporation General, both principal and past due interest, said indebtedness being evidenced by said German Treasury notes of the Imperial German Government and the present German Government has consented in writing to the payment of the principal and interest of said debt out of available funds now in the possession of the Alien Property Custodian, or to his credit in the Treasury of the United States.

4 10. That complainant has duly filed under oath, a notice of its said claim with the Alien Property Custodian and in such form and containing such particulars as were required by said custodian for the allowance and payment of its debt out of funds in the possession of the Alien Property Custodian, or in the Treasury of the United States and available for such payment, and has duly made application to the President of the United States for the payment of said debt; that more than sixty (60) days have elapsed since the filing of said application, and there has been no order issued by the President of the United States directing the payment of said debt, or any part thereof, to complainant.

Wherefore complainant presents this, its bill of complaint, and prays:

1. That the said Frank White, Treasurer of the United States, and the said Thomas W. Miller, Alien Property Custodian, may be made parties defendant to this bill, and required to answer the same, but not under oath—answer under oath being hereby expressly waived.

2. That the right of the complainant to recover said sum of two hundred and fifty thousand dollars (\$250,000) with interest at the rate of six per centum (6%) per annum from the 14th day of March, 1919, may be established, determined, and adjudicated, and that the complainant may be awarded a decree against the said Frank White, Treasurer of the United States, and Thomas W. Miller, Alien Property Custodian, for the payment of said sum of two hundred and fifty thousand dollars (\$250,000) and the interest thereon as aforesaid.

3. That due process may be issued and complainant may be granted such other further and general relief in the premises as the nature of its case may require, or to equity may seem meet, and complainant will ever pray.

[SEAL.] SECURITIES CORPORATION GENERAL.

By
P. M. CHANDLER,
President.

CARLIN, CARLIN & HALL,
1127 MUNSEY BUILDING, WASHINGTON, D. C.
Attorneys for Complainant.

STATE OF PENNSYLVANIA,
City of Philadelphia, ss:

I, P. M. Chandler, being first duly sworn, depose and say: That I am president of Securities Corporation General, complainant in the above-entitled suit; that I have read the foregoing bill of complaint and know the contents thereof; and that I verily believe the allegations and statements contained herein to be true.

P. M. CHANDLER.

Subscribed and sworn to before me this 31st of March, 1923.

[SEAL.] M. F. McCUE, *Notary Public.*

Notary public commission expires at end of next session of Senate

6 *Suggestion as to the rights of the United States*

Filed April 11, 1924

* * * * *
Now comes the United States of America by James M. Beck, Acting Attorney General of the United States, and respectfully suggests to this honorable court as follows:

(1) The United States of America is a body politic and is not an enemy or ally of enemy, within the purview and meaning of the trading with the enemy act, the amendments thereto and the proclamations and Executive orders issued thereunder.

(2) That the Imperial German Government was, and its successor is, an enemy within the purview and meaning of the said act and said proclamation and Executive orders issued thereunder.

(3) That on or about the 4th day of August, 1914, a state of war was declared between Germany on the one side and France, England, and their allies on the other.

7 (4) That after the outbreak of war referred to in paragraph numbered 3, the United States of America, in accordance with certain acts of Congress, passed for that purpose, issued for valuable consideration, certain policies of insurance upon certain vessels and their cargoes. The names of the said vessels, together with the policies covering the same and their cargoes, are contained in columns 1 and 2 of Exhibit A, which is attached hereto and made a part hereof:

(5) That after the outbreak of the war referred to in paragraph 3, the United States of America, in accordance with certain acts of Congress, passed for that purpose, issued for valuable consideration cer-

tain policies of insurance upon the lives of the crews of the said vessels. The names of the said persons upon whose lives the said insurance was issued, together with the policies covering the same, are contained in columns 1 and 2 of Exhibit B, which is attached hereto and made a part hereof.

(6) That during the time that said policies of insurance were in full force and effect, certain of the said vessels and their cargoes were destroyed by armed vessels of the Imperial German Government.

(7) During the time the said policies of insurance upon the lives of the said persons were in full force and effect certain of the said persons were killed by the Imperial German Government at the same time the said vessels were destroyed.

(8) That by reason of the said destruction of the said vessels and their cargoes and the killing of the said persons the United States of America became liable to pay to the owners of the said vessels

8 and of the said cargoes and to the beneficiaries of the policies of insurance upon the lives of the said persons, large sums of money, by virtue of the terms of the said policies of insurance, which sums of money the United States of America has long since paid. The sums of money paid under the said policies for the loss of the said vessels and their cargoes are set forth in column 3 of Exhibits A and B attached hereto, opposite the name of the vessel and cargo, and the person killed as aforesaid, for which the said money was paid.

(9) That upon the payment of the said sums of money the United States of America became entitled to recover from Germany the said sums of money disbursed under said policies by reason of the destruction of the said vessels, cargoes, and lives by Germany.

(10) That by reason of the premises aforesaid, a right has accrued and there is now due and owing to the United States of America from the successor of the Imperial German Government the sum of twenty-nine million three hundred four thousand five hundred fifty-three dollars and thirty-nine cents (\$29,304,553.39), for all of which Germany has agreed to reimburse the United States of America.

(11) That the Imperial German Government or its successor has not paid said sum nor any part thereof and said entire sum now remains due and owing from it to the United States of America.

(12) That it is alleged in the bill of complaint filed by the plaintiff herein that there is now in the Treasury of the United States or in the possession of the Alien Property Custodian a large amount of money which the plaintiff alleges was at the time of the seizure thereof the property of the Imperial German Government. The said money is now held in the Treasury of the United States. In the event that the plaintiffs herein should show that the money was at the time of the seizure thereof, the money of the Imperial German Government, the United States of America is entitled to assert the claim hereinbefore set forth against the said money now held in the Treasury of the United States, either prior to the claim of the plaintiff or upon a pro rata basis with the claim of the plaintiff.

9 (13) That the United States of America is entitled to receive payment of the said sum out of any money of the Imperial German Government and/or its successor or successors in the possession of the Treasurer of the United States.

(14) That of the aforesaid amount now due and owing to the United States from the Imperial German Government or its successor, sixteen million six hundred and twenty thousand four hundred and thirty-six dollars and five cents was due and owing prior to October 6, 1917, as will be shown by Exhibits C and D hereof, which are incorporated herein.

(15) That there has been filed on behalf of the United States of America with the Alien Property Custodian, a notice of claim under oath and in the form required by the Alien Property Custodian pursuant to the terms and provisions of the trading with the enemy act, the amendments thereto and the proclamations and Executive orders issued thereunder.

(16) That the United States of America avers upon information and belief that there are now pending in the Supreme Court of the District of Columbia certain suits, in which Thomas W. Miller, as Alien Property Custodian, and Frank White, as Treasurer of the United States, are parties defendant and the following persons and corporations are plaintiffs:

- 10 American National Bank of St. Paul.
Equitable Trust Co., of N. Y.
Middleton S. Borland, trustee in bankruptcy.
August Heckscher.
Henry G. Hilken.
Mechanics Securities Corporation.
Securities Corporation General.
C. I. Stralem et al.
Abraham L. Garbat.
Anna Thalmann.
Republic Trading Company.
Jacob Kaufman.

And in all of the said suits the plaintiffs, alleged creditors of the Imperial German Government, seek to recover out of the money held by the Treasurer of the United States as aforesaid large sums of money alleged to be owing to them.

(17) That the United States of America avers upon information and belief that there are now pending in this honorable court five suits in which Thomas W. Miller, as Alien Property Custodian, and Frank White, as Treasurer of the United States, are parties defendant and the following persons and corporations are plaintiffs, also alleged creditors of the Imperial German Government:

- Boatmen's Bank.
August A. Busch.
Lilly Busch.
Mercantile Trust Co.
Northwestern Trust Co.

(18) That aggregate amount sought to be recovered in the
11 suits enumerated in paragraphs 10 and 11 is far in excess of the amount of money now held by the Treasurer of the United States as aforesaid.

(19) That upon information and belief the money in the possession of the Treasurer of the United States as set forth in paragraph 12 constitutes the only available funds of the Imperial German

Government or its successor, if such money ever belonged to the Imperial German Government, for the payment of the alleged indebtedness of the plaintiffs in the suits, enumerated in paragraphs 10 and 11, and the indebtedness of the United States or of other creditors not now before this court and that if the plaintiffs in the above-named suits are allowed to secure satisfaction of their claims out of the said funds to the exclusion of the United States, the United States will suffer an irreparable injury and there will be an undue preference as between creditors of the Imperial German Government or its successor or successors.

(20) That the United States, as well as certain citizens of the United States, are creditors of the Imperial German Government in matters other than those above set out, and that by treaty the Imperial German Government and its successor have agreed with the United States to make certain payments and restitutions, and that by later agreement a commission to be known as a "Mixed Claims Commission" was established to determine the liability and to fix the amount of the awards due from the Imperial German Government to the United States and its citizens and that no provision for payment was made by this agreement; that awards to the United States Government and to United States citizens have been made and are now being made; that this is the only fund now
12 available belonging to the Imperial German Government from which awards can be satisfied or an indebtedness be paid; that if judgments are secured in the present suits and decrees satisfied the fund held by the Treasurer of the United States would be exhausted and there would be nothing of which the United States and other creditors could secure their said claims; that such process would be an inequitable preference of creditors.

Wherefore the United States of America respectfully prays:

(1) That the bill of complaint be dismissed;

(2) That the indebtedness of the United States set forth herein be determined by this court as a valid and existing indebtedness and that the Treasurer of the United States be ordered and directed to pay to the United States the amount thereof out of the funds as aforesaid or to the extent thereof;

(3) That this court find and determine that the United States is entitled to a priority over other claims or is at least entitled to share pro rata with other claimants in the distribution of the said fund;

(4) That this court take jurisdiction of the claims of the United States against the Imperial German Government, and in the event that the funds aforesaid are determined to have been the funds of the Imperial German Government prior to the seizure thereof that this court order the payment to the United States out of the said funds of the aforesaid claim;

(5) And for such additional and further relief as the exigencies of the case may require, and as to this honorable court may seem meet.

THE UNITED STATES OF AMERICA,
By HARLAN F. STONE,
Attorney General of the United States.

13 DISTRICT OF COLUMBIA, ss:

Frank T. Hines, being duly sworn, deposes and says, that he has read the foregoing suggestion of the United States; that he knows the facts therein alleged to be true except those stated to be alleged upon information and belief, and as to such facts he believes the same to be true.

FRANK T. HINES.

Subscribed and sworn to before me this 10th day of April, 1924.

[SEAL.]

JOHN D. CUTTER,
Notary Public, D. C.

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EXHIBIT A

Vessel	Policy No.	Amount of claim paid by U. S. A.	Vessel	Policy No.	Amount of claim paid by U. S. A.
A. A. Raven.....	{ 9982-9992 10103-10104 10140-10141 10172-10175 10181-10184 10280 }	\$2,881.82	16 Dorothy B. Barrett (hull).....	17941	\$385.18
A. B. Sherman (hull)....	4660	15,859.21	"	17941	1,170.37
"	4660	1,071.00	"	17941	585.18
Alamance.....	13520	126.27	"	17941	585.18
"	14181	6,499.06	"	17941	585.18
"	14249	25.00	"	17941	585.18
"	14250	30.00	"	17941	6,437.03
Anna R. Heidritter (hull).....	11850	3,592.23	"	17941	5,266.65
A. Piatt Andrew.....	20391	100.00	"	17941	292.61
"	20391	100.00	"	17941	585.18
"	20391	100.00	"	17941	585.18
"	20391	100.00	"	17941	585.18
"	20392	1,200.00	"	17941	1,170.37
Argonaut (hull).....	16227	516,500.00	"	17941	1,170.37
"	15203	15,760.25	"	17941	585.18
"	15277	13,813.75	"	17941	585.18
"	15370	35,000.00	"	17941	585.18
Borinquen (hull).....	1817	3,806.07	"	17941	585.18
C. A. Canfield (hull)....	20122	15,898.63	"	17941	1,170.37
"	20122	250.00	"	17941	1,170.37
Campana (hull).....	6087	1,149,563.00	"	17941	585.18
Carib.....	{ 619-621 627-628 701-705 }	{ 235,850.00 }	"	17941	585.18
Chincha (hull).....	15076	12,082.40	"	17941	585.18
"	15076	75.00	"	17941	585.18
15 Christiane (hull)....	6435	30,000.00	"	17941	585.18
Cruiser (hull).....	27052	3,000.00	"	17941	2,340.74
Dirigo (hull).....	2557	175,000.00	"	17941	1,170.37
"	3806	70,000.00	"	17941	585.18
"	3817	15,000.00	"	17941	1,170.37
D. N. Luckenbach (hull).....	10674	219,967.00	"	17941	292.61
"	10462	22,100.00	"	17941	146.31
"	10766	10.00	"	17941	1,170.37
"	10689	110,800.00	"	17941	1,170.37
"	10971	8,000.00	"	17941	2,340.74
"	10685	15,427.77	"	17941	585.18
"	11024	24,250.00	"	17941	585.18
"	11025	46,100.00	"	17941	585.18
"	11026	122,550.00	"	17941	585.18
"	11130	47,100.00	"	17941	585.18
"	11133	531,011.72	"	17941	146.31
"	11238	25,000.00	"	17941	585.18
"	13145	9,000.00	"	17941	1,170.37
Dorothy B. Barrett (hull).....	17941	585.18	"	17941	292.61
"	17941	1,170.37	"	17941	585.18
"	17941	1,170.37	"	17941	585.18
"	17941	1,170.37	"	17941	2,340.74
"	17941	585.18	"	17941	585.18
"	17941	585.18	"	17941	585.18
"	17941	585.18	"	17941	1,170.37
"	17941	585.18	"	17941	292.61
"	17941	585.18	"	17941	1,170.37
"	17941	1,170.37	"	17941	585.18
"	17941	585.18	"	17941	585.18

Vessel	Policy No.	Amount of claim paid by U. S. A.	Vessel	Policy No.	Amount of claim paid by U. S. A.
Dorothy B. Barrett (hull)	17941	\$1, 170. 37	J. L. Luckenbach (hull)	10748	\$25. 2
"	17941	1, 170. 37	"	10881-10883	280. 80
"	17941	585. 18	"	10979-10983	678. 37
"	17941	352. 61	21 John D. Archbold (hull)	4287	2, 200, 000. 00
"	17941	585. 18	"	5093	62, 800. 00
"	17941	585. 18	"	5470	22, 500. 00
"	17941	7, 022. 20	"	6140	2, 474. 00
Grace (hull)	4711	449, 973. 10	"	6152	3, 300. 00
"	4036	7, 000. 00	"	6347	27, 190. 00
"	4027	8, 000. 00	"	6350	8, 740. 00
"	4028	3, 000. 00	"	6351	8, 740. 00
"	4029	26, 745. 19	"	6352	5, 500. 00
"	4126	170, 638. 00	"	6354	5, 500. 00
"	4616	700. 00	"	6355	5, 489. 00
"	4712	2, 000. 00	"	6356	2, 740. 00
"	4935	1, 000. 00	"	6353	5, 500. 00
"	4944	375. 00	Kingfisher (hull)	21910	49, 800. 00
"	5047	38, 473. 37	Lewis Luckenbach (hull)	7983	809, 994. 49
"	5096	300. 00	"	7775	2, 000. 00
"	4840	950. 00	"	9963	29, 155. 00
Greenbrier (hull)	801	50, 000. 00	"	10067	110, 000. 00
Hildegard (hull)	5737	28, 000. 00	"	10147	30, 700. 00
Hilsonian (hull)	2665	275, 090. 00	"	10194	47, 800. 00
"	2708	20, 000. 00	"	10195	46, 850. 00
19 "	2787	578. 00	"	10196	47, 300. 00
"	2867	7, 844. 00	"	10197	68, 050. 00
"	2938	5, 963. 00	"	10271	4, 300. 00
"	2939	4, 073. 00	"	10272	10, 600. 00
"	2950	2, 000. 00	"	10284	15, 000. 00
"	2991	13, 732. 00	"	12162	1, 404. 50
"	3000	10, 600. 00	Lizzie E. Dennison	3675-3678	756. 83
"	3001	500. 00	22 Madrugada	19348	1, 750. 00
"	3027	3, 175. 00	Magnus Manson (hull)	2567	75, 000. 00
"	3027	160. 00	Missourian (hull)	2501	999, 777. 58
"	3027	425. 00	Moren (hull)	4082	775, 000. 00
"	3027	85. 00	"	4083	135, 000. 00
"	3027	1, 895. 00	"	4684	578, 700. 00
"	3067	750. 00	Muriel (hull)	1927	11, 950. 00
"	3149	8, 000. 00	New York (hull)	1833	910. 34
"	3191	9, 500. 00	"	2803 & 2492	520. 17
"	3157	3, 300. 00	"	2578	9. 04
"	3185	14, 413. 53	"	2702	126. 50
"	3210	6, 083. 00	"	2702	76. 88
"	3211	7, 402. 00	Norlina (hull)	4781	6, 300. 45
"	3212	5, 087. 00	"	4781	100. 00
"	3301	14, 000. 00	Orleans (hull)	5640	475, 000. 00
"	3731	7, 500. 00	"	5641	3, 666. 01
"	3328	850. 00	"	5680	51, 000. 00
"	3380	5, 800. 00	"	5689	23, 253. 00
"	3387	1, 050. 00	"	5854	5, 700. 00
"	3390	475. 00	"	5866	5, 200. 00
"	3391	1, 650. 00	"	5871	12, 000. 00
20 "	3494	570. 00	"	5872	2, 500. 00
"	3495	160. 00	"	5907	1, 700. 00
"	3496	355. 00	"	5908	2, 200. 00
"	3498	1, 045. 00	"	5909	10, 000. 00
"	3499	7, 525. 00	"	5946	1, 600. 00
"	3500	5, 075. 00	"	6049	7, 574. 00
"	3644	1, 400. 00	"	6050	8, 500. 00
"	3646	750. 00	23 "	6067	32, 150. 00
"	3647	250. 00	"	6096	95, 000. 00

Vessel	Policy No.	Amount of claim paid by U. S. A.	Vessel	Policy No.	Amount of claim paid by U. S. A.
Rochester	10130	\$250.00	Schuykill (hull)	10954	\$380.00
"	10130	160.30	Stanley M. Seaman	10323	1,875.00
"	10130	226.50	(hull)	10323	14,062.00
"	10130	100.00	"	10323	2,812.00
"	10130	100.00	"	10323	3,750.00
"	10130	66.15	"	10323	1,875.00
"	10130	500.00	"	10323	937.00
"	10130	250.00	"	10323	1,875.00
"	10130	100.00	"	10323	2,812.50
"	10130	100.00	"	10323	1,875.00
"	10130	100.00	"	10323	1,875.00
"	10130	100.00	"	10323	1,875.00
Rockingham (hull)	2560	799,941.60	"	10323	1,875.00
"	27075	4,150.00	"	10323	1,875.00
24 Schuykill (hull)	9659	599,905.49	"	10323	1,875.00
"	9847	40,948.36	"	10323	3,750.00
"	10285	3,136.00	"	10323	1,875.00
"	10291	3,000.00	"	10323	3,750.00
"	10223	10,930.29	"	10323	1,875.00
"	10224	2,342.48	"	10323	3,750.00
"	10225	14,500.00	"	10323	1,875.00
"	10226	14,500.00	"	10323	1,875.00
"	10228	34,633.19	"	10323	3,750.00
"	10229	7,426.49	"	10323	1,875.00
"	10282	30,000.00	"	10323	1,875.00
"	10700	300.00	"	10323	1,875.00
"	10706	21,000.00	"	10323	1,875.00
"	10720	1,350.00	"	10323	1,875.00
"	10721	1,675.00	"	10323	2,812.50
"	10709	23,750.00	"	10323	1,875.00
"	10942	15,200.00	"	10323	1,875.00
"	11160	194,678.00	"	10323	1,875.00
"	10816	3,500.00	"	10323	937.50
"	10891	10,900.00	"	10323	1,875.00
"	10892	10,350.00	"	10323	937.50
"	10893	6,500.00	"	10323	1,875.00
"	10894	9,750.00	"	10323	1,875.00
"	10895	8,300.00	"	10323	1,875.00
"	10896	8,600.00	"	10323	1,875.00
"	10897	8,250.00	"	10323	3,750.00
"	10898	8,200.00	"	10323	937.50
"	10900	28,000.00	"	10323	2,812.50
"	10900	30,000.00	"	10323	1,875.00
"	10901	52,000.00	"	10323	1,875.00
"	10902	12,000.00	"	10323	1,875.00
"	10903	12,000.00	"	10323	3,750.00
"	10904	12,000.00	"	10323	937.50
"	10905	12,000.00	"	10323	1,875.00
"	10906	10,000.00	"	10323	1,875.00
"	10907	13,729.00	"	10323	1,875.00
"	10908	4,094.00	"	10323	937.50
"	10909	1,692.00	"	10323	937.50
"	10910	5,142.00	"	10323	1,875.00
"	10911	5,315.00	"	10323	1,875.00
"	10912	10,530.00	"	10323	1,875.00
"	10913	24,840.00	Suruga (hull)	13037	150,000.00
"	10914	8,731.00	"	13037	214,303.18
"	10915	6,440.00	"	13037	858.50
"	10916	18,281.00	"	13037	9.10
"	10917	5,837.00	St. Louis (hull)	4075	12,879.24
"	10920	1,721.00	Wm. H. Clifford (hull)	6450	50,000.00
"	10943	64,000.00	Wm. H. Starbuck (hull)	20421	2,133.33
"	10948	140.00	"	20421	1,096.67
"	10950	87.87	Wilmore (hull)	8061	1,375,000.00
"	10951	300.00			
"	10953	1,010.63	Total		17,424,229.72

EXHIBIT B

Vessel	Policy No.	Amount of claim paid by U. S. A.	Vessel	Policy No.	Amount of claim paid by U. S. A.
28 Alhambra	13520	\$85,100.00	Argonaut	15725	\$26,442.00
"	13787-13793	216,257.60	"	15777	112,821.94
"	13814	8,080.31	"	15778	29,490.37
"	13814	15,050.02	"	15780	31,027.88
"	13815	9,184.18	"	15781	31,509.07
"	13830	16,500.00	"	15782	29,685.30
"	13879	4,997.19	"	15783	59,399.84
"	13986	117,800.00	31	15784	61,639.92
"	14249	29,563.24	"	15785	50,929.02
"	14250	701,251.00	"	15786	31,050.00
A. Platt Andrew	20391	100.00	"	15787	28,850.00
"	20391	100.00	"	15820	14,870.00
"	20391	100.00	"	15821	11,705.00
"	20391	100.00	"	15822	58,230.00
"	20391	100.00	"	15823	15,476.00
"	20391	100.00	"	15841	60,861.00
"	20391	100.00	"	15851	28,111.04
"	20391	100.00	"	15852	27,279.35
"	20391	100.00	"	15853	54,511.18
"	20391	100.00	"	15854	54,487.41
"	20391	100.00	"	15854	27,160.53
"	20391	100.00	"	15855	27,493.22
"	20391	100.00	"	15860	42,629.92
"	20391	100.00	"	15894	14,114.92
"	20391	100.00	"	15905	28,847.68
"	20391	100.00	"	16012	14,162.00
"	20391	100.00	"	16013	29,000.00
29	20391	100.00	"	16014	29,400.00
Argonaut	20391	100.00	"	16028	28,150.00
"	15124	20,980.00	"	16295	26,143.50
"	15125	21,416.00	"	16296	58,408.22
"	15126	21,678.00	"	16297	85,212.32
"	15127	43,684.00	"	16298	83,382.62
"	15246	111,002.00	"	16299	27,250.83
"	15287	175,108.00	"	31857	18,945.00
"	15288	27,913.00	32	3428	4,300.00
"	15289	66,008.00	"	10840	41,147.97
"	15307	63,982.00	"	10876	12,238.11
"	15308	4,503.00	"	10876	9,236.24
"	15309	32,819.00	"	10876	1,063.69
"	15310	76,280.00	"	11002	92,630.00
"	15311	25,596.00	"	11040	12,500.00
"	15331	20,750.00	"	11103	1,297.02
"	15375	89,000.00	"	11240	23,780.53
"	15376	28,600.00	Grace	30579	8,500.00
"	15457	99,500.00	"	3067	7,500.00
"	15458	26,600.00	"	3068	1,490.00
"	15463	28,050.00	"	4018	10,000.00
"	15464	32,300.00	"	4019	18,000.00
"	15465	29,400.00	"	4042	3,800.00
"	15466	27,800.00	"	4128	9,500.00
"	15548	31,000.00	"	4129	9,500.00
"	15549	91,000.00	"	4130	7,277.00
"	15550	118,800.00	"	4131	3,080.00
"	15551	58,100.00	"	4190	3,000.00
"	15552	142,500.00	"	4191	7,500.00
"	15553	57,500.00	"	4251	2,800.00
"	15554	110,600.00	"	4265	2,000.00
"	15555	30,350.00	"	4296	40,000.00
"	15566	26,619.21	"	4320	35,000.00
"	15567	33,735.84	"	4321	9,340.00
"	15568	17,940.00	"	4321	2,300.00
"	15569	18,633.75	"	4402	5,000.00
"	15570	6,843.69	33	4405	5,000.00
"	15571	48,376.69	"	4404	8,000.00
"	15586	31,005.00	"	4439	2,750.00
"	15589	64,296.38	"	4507	22,000.00
"	15590	31,667.07	"	4508	3,000.00
"	15591	31,990.10	"	4583	6,000.00
"	15592	31,351.01	"	4571	1,000.00
"	15593	32,161.06	"	4693	22,000.00
"	15594	32,727.55	"	4724	4,500.00
"	15595	65,390.00	"	4818	410.00
"	15596	33,080.00	"	4819	1,650.00
"	15622	40,166.65	"	4839	1,150.00
"	15623	58,479.52	"	4856	3,850.00
"	15725	29,641.34	"	4861	25,000.00
"	15726	149,276.59	"	4892	32,000.00

Vessel	Policy No.	Amount of claim paid by U. S. A.	Vessel	Policy No.	Amount of claim paid by U. S. A.
Grace	4933	\$4,833.19	Lewis Luckenbach	9666	\$8,052.60
"	4936	4,500.00	"	9667	3,544.78
"	4981	460.00	"	9688	103,000.00
"	5259	20,000.00	"	9772	1,924.98
Harwood Palmer	3120	15,150.00	"	9772	4,392.38
"	3120	51,350.00	"	9772	1,464.86
Hilonian	2802	1,952.00	"	9772	1,918.40
"	2984	3,000.00	"	9773	4,868.00
"	2990	12,334.00	"	9827	18,000.00
"	2992	35,425.00	"	10040	2,985.00
"	2996	6,600.00	"	10041	2,985.00
"	3027	660.00	"	10042	7,255.85
"	3027	230.00	"	10043	15,343.44
"	3027	1,580.00	"	10044	31,141.00
34 "	3027	1,310.00	"	10045	11,103.00
"	3027	4,190.59	"	10046	18,568.00
"	3027	865.00	"	10056	6,600.00
"	3089	1,500.00	"	10070	31,800.00
"	3090	1,000.00	"	10071	5,750.00
"	3091	900.00	"	10072	14,200.00
"	3092	1,100.00	"	10073	60.00
"	3093	1,800.00	"	10074	26,000.00
"	3094	1,400.00	"	10075	13,000.00
"	3181	3,110.00	"	10076	650.00
"	3182	5,365.00	"	10146	2,700.00
"	3183	8,240.00	"	10152-3	110,983.30
"	3195	35,000.00	"	10155	
"	3310	800.00	"	10185-6	
"	3330	1,100.00	"	10154	61,980.00
"	3381	285.00	"	10187	10,708.00
"	3382	1,100.00	"	10188	31,105.00
"	3383	1,450.00	"	10211	15,000.00
"	3384	1,250.00	"	10270	7,200.00
"	3385	925.00	"	10400	300.00
"	3386	660.00	"	16568	67,232.61
"	3388	1,825.00	Lizzie E. Dennison	3675-8	60,461.42
"	3389	140.00	Madrugada	19348	71,527.05
"	3417	24,719.52	Magnus Manson	2461	93,960.00
"	3445	280.00	Navajo	4985-6	922.67
"	3645	2,800.00	New York	2460	662.56
"	3679	600.00	"	2460	16,992.24
"	3680	80.00	"	2483	359.23
"	3681	25.00	"	2702	143.33
35 J. L. Luckenbach	10296	109.95	Orleans	5519	3,750.00
"	10267	161.48	"	5719	4,700.00
"	10301	1,880.41	"	5720	1,575.00
"	10333	27.45	"	5721	40,200.00
"	10346	592.87	"	5761	18,300.00
"	10365	182.60	"	5823	3,460.00
"	10377	25.25	38 "	5852	\$11,600.00
"	10437	453.78	"	5855	2,200.00
"	10463	14.82	"	5856	400.00
"	10481	145.57	"	5861	1,300.00
"	10490	63.12	"	5862	1,200.00
"	10494-10495	42.64	"	5863	400.00
"	10496	92.56	"	5864	1,500.00
"	10614	51.60	"	5865	5,200.00
"	10618-10619	143.71	"	5867	2,000.00
"	10990	1,217.86	"	5868	1,200.00
"	10751	104.41	"	5869	400.00
"	10753	78.69	"	5870	600.00
Kansan	5130	279,154.17	"	5943	55,550.00
"	5483	1,200.00	"	6808	35,000.00
"	5484	12,150.00	"	6810	78,910.00
"	5485	12,700.00	Rochester	10130	100.00
"	5523	1,300.00	"	10130	100.00
"	5524	4,750.00	"	10130	100.00
"	5525	7,000.00	"	10130	100.00
"	6153	2,700.00	"	10130	100.00
"	6198	6,250.00	"	10130	100.00
"	6301	5,600.00	"	10130	100.00
"	6302	650.00	"	10130	100.00
"	6346	162,030.00	"	10130	100.00
36 "	6348	27,720.00	"	10130	100.00
"	6349	13,272.00	"	10130	100.00
Lewis Luckenbach	7773	189,000.00	"	10130	50.00
"	7774	8,000.00	39 "	10130	100.00
"	8943	73,500.00	"	10130	100.00
"	9324	5,093.18	"	10130	100.00
"	9325	67,984.05	"	10130	100.00
"	9655	2,200.00	"	10130	100.00
"	9685	14,407.59	"	10130	100.00

Vessel	Policy No.	Amount of claim paid by U. S. A.	Vessel	Policy No.	Amount of claim paid by U. S. A.
Rochester.....	10130	\$100.00	Schuykill.....	10508	\$5,049.00
"	10130	100.00	"	10509	3,013.25
Rockingham.....	2508	15,150.00	"	10510	4,974.91
"	2525	6,500.00	"	10511	1,991.00
"	2481	24,691.84	"	10512	6,900.00
"	2481	819.91	"	10513	5,600.00
"	2481	1,074.20	"	10514	1,424.11
"	2481	22,440.32	"	10515	5,800.00
"	2485	4,200.00	"	10527	4,383.44
"	2582	2,200.00	"	10552	550.00
"	2615	16,000.00	"	10601	6,000.00
"	2615	11,000.00	"	10602	2,300.00
"	2850	4,000.00	"	10594	2,260.00
"	3188	7,363.13	"	10594	4,000.00
"	3189	598.69	"	10594	8,076.92
"	3208	350,000.00	"	10594	2,000.00
Schuykill.....	9260	3,000.00	"	10594	1,740.00
"	9559	1,800.00	"	10594	1,168.05
"	9735	15,200.00	"	10594	6,600.00
"	9944	6,258.56	"	10594	7,830.94
"	9945	5,320.00	"	10594	142.03
"	9957	5,325.07	"	10645	14,000.00
"	10068	6,897.00	"	10646	17,200.00
"	10069	1,200.00	"	10648	3,000.00
"	10069	1,271.97	"	10649	12,400.00
"	10069	1,200.00	"	10651	3,000.00
"	10069	4,200.00	"	10671	5,900.00
"	10069	6,825.00	"	10671	2,100.00
"	10069	2,275.00	"	10671	700.00
"	10069	1,128.03	"	10671	5,600.00
"	10069	1,200.00	"	10683	1,000.00
"	10069	1,200.00	"	10686	4,500.00
"	10069	3,764.43	"	10696	5,800.00
"	10069	4,200.00	"	10697	1,900.00
"	10069	3,300.00	"	10698	1,800.00
"	10069	1,000.00	"	10699	584.61
"	10127	2,000.00	"	10701	3,000.00
"	10230	11,800.00	"	10702	8,000.00
"	10290	1,341.05	"	10714	816.00
"	10296	25,700.00	"	10714	6,300.00
"	10297	14,000.00	"	10714	4,057.97
"	10304	23,665.25	"	10718	4,300.00
"	10334	6,000.00	"	10724	26,500.00
"	10335	9,000.00	"	10725	4,950.00
"	10360	7,550.00	"	10765	396.03
"	10341	3,000.00	"	10791	5,289.27
"	10369	19,207.50	"	10792	35,500.00
"	10371	6,000.00	"	11242	2,000.00
"	10388	9,800.00	"	10811	19,467.54
"	10394-5	4,917.80	"	10822	8,500.00
"	10402-3	19,900.00	"	10929	78,039.57
"	10405	600.00	"	10933	13,100.00
"	10435	11,939.55	"	10941	19,000.00
"	10436	4,300.00	"	10949	937.27
"	10448	24,600.00	"	10952	600.00
"	10473	4,000.00	"	10964	24,649.13
"	10474	4,500.00	"	10965	4,950.27
"	10475	21,912.00	"	11019	2,596.35
"	10476	4,019.00	"	11261	20,000.00
"	10477	6,645.00	"	11284	32,285.00
"	10478	2,235.00	Stanley M. Seamen (hull).....	19323	1,875.00
"	10479	1,325.00			
"	10480	1,461.00	Total.....		9,269,215.65
"	10504	600.00			
"	10507	16,260.00			

EXHIBIT C

Vessel	Policy No.	Amount of claim paid by U. S. A.	Vessel	Policy No.	Amount of claim paid by U. S. A.
44 Wm. P. Frye (hull).....	34	\$10,000.00	Healdton (hull).....	1902	\$48,888.82
"	98	1,550.00	Edwin R. Hunt (hull).....	2304	49,776.67
Evelyn (hull).....	636	100,000.00	New York (hull).....	1833	164,051.49
"	637	241,961.57	Vacuum (hull).....	2326	999,976.60
Carib (hull).....	576	22,235.56			
Illinois (hull).....	2270	250,000.00			
Healdton (hull).....	1878	450,000.00			2,338,440.71

EXHIBIT D

Vessel	Policy No. S. I.	Name of insured	Amount of claim paid by U. S. A.
45 Almance.....	624	Carrasco, Pio M.....	\$1,500.00
".....	624	Fralic, Laurie.....	1,500.00
".....	624	Fujiwara, Shintaro.....	1,500.00
".....	624	Ito, L. (Lyujiro or Ryujiro).....	1,500.00
".....	624	Utsunomiya, Magoichiro.....	1,500.00
Atlantic Sun.....	724	Daniels, Charles T., jr.....	1,500.00
".....	724	Glass, Harry H. (injury).....	1,500.00
".....	724	Hertoge, Henri Clement.....	2,520.00
".....	724	Johnson, David (detention).....	2,083.34
Campana.....	163	Oliver, Albert (detention).....	4,050.00
Chincha.....	811	Falt, Karl Victor.....	1,500.00
".....	811	Ogami, Kurakichi.....	1,500.00
".....	811	Yamamoto, B.....	1,500.00
D. N. Luckenbach.....	286	Chronis, Demosthenes (Demivis).....	1,500.00
".....	286	Evangelacos, Denis.....	1,500.00
".....	286	Olsen, Trygve Frederik.....	2,520.00
".....	286	Pennea, Albert A.....	2,280.00
".....	286	Villianos, Peter (Panagatos, Villianos D.).....	1,500.00
Florence II.....	906	Amiot, Manuel Alvarez y.....	1,500.00
".....	906	Beans, John.....	2,520.00
".....	906	Bentley, Edmund.....	1,500.00
".....	906	Butterfield, Fred. J.....	4,500.00
".....	906	Collins, Martin L.....	1,500.00
".....	906	Cudahy, Howard L.....	2,160.00
46 ".....	906	Geldart, Leonard Brown.....	1,500.00
".....	906	Woodwin, Carl L.....	1,500.00
".....	906	Kato, S.....	1,500.00
".....	906	Lamoureux, Joseph L., jr.....	1,500.00
".....	906	Matsumoto, T.....	1,500.00
".....	906	Miyake, Tetsuichiro.....	1,500.00
".....	906	Mori, (Moni) Chukichi.....	1,500.00
".....	906	Novoa, Oscar S. (A).....	1,500.00
".....	906	Pausche, John (Jahn Arnold).....	1,500.00
".....	906	Overington, Russell.....	2,340.00
".....	906	Randle, Arthur W.....	1,500.00
".....	906	Rondoni, Basilio.....	1,500.00
".....	906	Santos, C. F. (Canuto Ferreira don).....	1,500.00
".....	906	Scardace, Carlo.....	1,500.00
".....	906	Simpson, Charles.....	1,500.00
".....	906	Tamura, Noboru.....	1,500.00
".....	906	Umetsu, S.....	1,500.00
".....	906	Wannak, Joseph Andrew.....	1,500.00
".....	906	West, Percy D. (injury).....	750.00
".....	906	Yamagata, H.....	1,500.00
".....	906	Yamaguchi, Suyetaro.....	1,500.00
".....	906	Toshisawa, Eimatsu.....	1,500.00
Freida.....	1403	Ciechowski, John Joseph.....	1,500.00
Frederic R. Kellogg.....	1754	Carlsen, John.....	1,500.00
".....	1754	Hamilton, Albert Myron (Johnson, Samuel L.).....	2,100.00
".....	1754	Kramer, James.....	1,875.00
47 ".....	1754	Jorgensen, Axel Albert.....	1,500.00
".....	1754	Souza (Souza or Souga), Francisco de.....	1,500.00
J. L. Luckenbach.....	250	Saunders, Drew B. (injury).....	2,250.00
Kansan.....	8	Aguirre, Florentino.....	1,500.00
".....	8	Hanan, Charlie.....	1,500.00
".....	8	Kua, Alexander P.....	1,500.00
".....	8	Murphy, Jeremiah M.....	2,700.00
Barge Lansford.....	4819	Ainsleigh, Charles (injury).....	958.33
Lewis Luckenbach.....	223	Anderssan (Anderson) Lennart.....	1,500.00
".....	223	Erickson, John.....	1,950.00
".....	223	Hassell, George Benjamin.....	1,500.00
".....	223	McCants, L. S.....	2,310.00
".....	223	Nissenson, Irving J.....	1,500.00
".....	223	Peterson, Wallace.....	1,500.00
".....	223	Watkins, J. B.....	4,500.00
Motano.....	51	Glow, Edward.....	1,500.00
".....	51	Gleason, Lannie.....	1,500.00
".....	51	Gregory, Harry.....	1,500.00
".....	51	Harwood, W.....	1,500.00
".....	51	Haugsaard, Julius C.....	1,980.00
".....	51	Larsen, Karl.....	1,500.00
".....	51	Lohse, Renaldo R.....	2,250.00
".....	51	Lundquist, Karl David.....	1,500.00
".....	51	Madsen, Marius Michael.....	1,500.00
".....	51	Nordgren, John Isidor.....	1,500.00
".....	51	Roslund, Walter.....	1,500.00
".....	51	Thorne, Vernon S.....	1,500.00
48 ".....	51	Tuber, Robert.....	1,500.00
".....	51	Williams, Rubin.....	1,500.00
".....	51	Williams, Russell A.....	1,500.00
".....	51	Winter, Joseph.....	1,500.00

Vessel	Policy No. S. I.	Name of insured	Amount of claim paid by U. S. A.
O. B. Jennings	1925	Bastin, Rene (detention).....	\$908.14
"	1925	Scott, James Henry.....	1,500.00
Owasco	503	Garcia, Jesus.....	1,500.00
"	503	Jacobson, Albert.....	1,500.00
"	503	Watts, Nathan R. (injury).....	972.00
Platuria	310	Escriche, Alberto Jarque (Gargie, Alberto).....	1,500.00
"	310	Halpern, L.....	1,500.00
"	310	Hellstrom, Gustav F. (injury).....	1,500.00
"	310	Jones, James.....	1,620.00
"	310	Leslie, John.....	4,050.00
"	310	Whittier, Harold W.....	1,500.00
Rochester	567	Ampuero, Antonio Avendano.....	1,500.00
"	567	Bulgarea, George.....	750.00
"	567	Diaz, Augustin Mariguez.....	1,500.00
"	567	Einset, Christian.....	2,520.00
"	567	Gonzalez, Juan.....	1,500.00
"	567	Helm, Verner L.....	1,500.00
"	567	Hellstrom, Nils Ragnar Casian (B).....	1,500.00
"	567	Hinman, William B.....	1,500.00
"	567	Kokeritz, Erik.....	5,000.00
"	567	Madsen, Thor.....	1,500.00
"	567	Margeli, Benjamin.....	1,500.00
49	567	Ohman, Ernest.....	1,500.00
"	567	Petersen, Axel.....	1,500.00
"	567	Wheeler, Rex S.....	1,500.00
San Saba	2783	Annoni, Natali.....	1,500.00
"	2783	Birdsall, Bergen G.....	3,600.00
"	2783	Chambers, Esau Emanuel.....	1,500.00
"	2783	Cobb, Harry.....	2,175.00
"	2783	Cyntje, Juancito Assencion (Cyntyte, Juaneto).....	1,500.00
"	2783	Domingo, Legideus Maria (Rosal, Theodore).....	1,500.00
"	2783	Downie, John L.....	1,500.00
"	2783	Henrique, Theofel Confesor (Henriquez, Phillip).....	1,500.00
"	2783	Henriquez, Pol (Pel).....	1,500.00
"	2783	Lange, Pablo De.....	1,500.00
"	2783	Lapiento, Don Domingo.....	1,500.00
"	2783	Lazcano, Rosamel.....	1,500.00
"	2783	Longueiro, Manuel.....	1,500.00
"	2783	Lorenzo, Angel.....	1,500.00
"	2783	McBride, William J.....	2,550.00
"	2783	Macleiva, Jose M.....	1,500.00
"	2783	Miller, Frank.....	1,950.00
"	2783	Mothersill (Manning), Stephen.....	1,500.00
"	2783	Mosquira, Manuel.....	1,500.00
"	2783	Peterson, Pablo.....	1,500.00
"	2783	Quintans, Manuel Nolla (Noya).....	1,500.00
"	2783	Ray, Arthur.....	1,500.00
"	2783	Richards, Ralph.....	1,725.00
50	2783	Robinson, Joseph.....	1,500.00
"	2783	Terkelsen, Harry (Bjorn).....	1,500.00
"	2783	Villanueva, Julio Sesar.....	1,500.00
"	2783	Werners, George.....	1,500.00
"	2783	West, Fred.....	1,500.00
St. Helens	603	Bodin, Viktor Leonard.....	1,500.00
"	603	Carroll, Bridges.....	1,500.00
"	603	Dahlberg, Peter.....	1,500.00
"	603	Danielson, Theodor.....	1,500.00
"	603	Ferreira, Antonio.....	1,500.00
"	603	Freris, Joseph (Freyyer, James).....	1,500.00
"	603	Golden, Frank.....	1,500.00
"	603	Gudmundsen, Gudmund.....	1,500.00
"	603	Head, Richard James.....	1,500.00
"	603	Jakobsson, J. A.....	1,500.00
"	603	Jennings, John Wilberforce.....	1,500.00
"	603	Johnson, Bernt.....	1,500.00
"	603	Johnson, B. F.....	1,500.00
"	603	Johnson, Hugh Marcus.....	1,500.00
"	603	Lopes, Jose (Joao) Miguel.....	1,500.00
"	603	Maguregui, Victoriano.....	1,500.00
"	603	Mayoral, Pedro Alvaro Lopez.....	1,500.00
"	603	Movilla, Jose M.....	1,500.00
"	603	Nutt, Joseph.....	1,500.00
"	603	Ochaudo, Ramon N.....	1,500.00
"	603	Rocosa, Ramon Rocosa y.....	1,500.00
"	603	Saunders, William Henry.....	1,971.00
51 Tyler	1088	Carro, Gregorio.....	1,500.00
"	1088	Kawamoto, Fukumatsu.....	1,500.00
"	1088	Knowlton, Clarence.....	1,500.00
"	1088	Mears, E. W.....	2,280.00
"	1088	Morera, Jose Rodriguez.....	1,500.00
"	1088	Posse, Fernando.....	1,500.00
Total			272,667.81

Motion to strike out suggestion

Filed April 14, 1924

* * * * *

Now comes Securites Corporation General, plaintiff herein, by and through its attorneys, and moves the court to strike out the suggestion of the United States of America filed herein by its Attorney General upon the following grounds:

1. Because the said suggestion alleges no facts which, if true, constitute a defense to the cause of action alleged in the bill of complaint.

2. Because the said suggestion alleges no facts which, if true, constitute a cause of action against the complainant, nor a set-off or counter claim to plaintiff's bill of complaint, either in law or in equity, or under the act of Congress known as the trading with the enemy act as amended.

3. Because the said suggestion puts in issue the debit and credit relations between the Imperial German Government and the United States of America, which said relations are not in any way involved in this suit, to which neither the Imperial German Government nor the United States of America are proper parties.

4. Because the said suggestion amounts to an intervening petition which does not conform to the provisions of Federal Equity Rule No. 37, in that the said petition is not in subordination to the main litigation, but seeks to assume control thereof, asking that the complainant's bill of complaint be dismissed and, substantially, that
53 the United States of America be substituted as complainant in the cause.

5. Because the claim of the United States of America as set forth in said suggestion is the same as the claim made in its behalf by counsel for the defendants in the affirmative defenses filed in the case of the Mechanics Securities Corporation against the same defendants, pending in this court as Equity Cause No. 41284, said claim having been rejected by the court and said affirmative defenses stricken out.

6. Because the United States of America is not authorized by law to file a notice of claim under section 9 of the trading with the enemy act, as amended, for loss or injury alleged to have been sustained by reason of the wrongful or tortious acts of the Imperial German Government.

7. Because the alleged claim of the United States of America is not a debt within the meaning of section 9 of the trading with the enemy act as amended.

8. Because this court has no jurisdiction to pass upon or determine the rights of the United States of America, if it has any, to become subrogated as against the Imperial German Government for any sums of money disbursed by it under policies of insurance for the loss of vessels, cargoes, or lives.

9. Because any alleged indebtedness of the United States of America or of other creditors of the Imperial German Government not now before this court is not entitled to be set up as a defense to the complainant's claim in this suit.

10. Because the payment of the debt due and owing to the complainant, if established, is required by the trading with the enemy act as amended, and will not constitute, as alleged in said suggestion, any undue preference as between creditors of the Imperial German Government or its successor or successors.

11. Because it appears on the face of the suggestion that, by treaty, the Imperial German Government and its successors have agreed with the United States of America to make payments and restitutions, including therein the claim of the United States as set up in said suggestion, and therefore this court has no jurisdiction of the claims of the United States against the Imperial German Government, said claims being a matter for diplomatic intercourse between the respective sovereigns.

SECURITIES CORPORATION GENERAL,
By CARLIN, CARLIN & HALL,
Attorneys.

CARLIN, CARLIN & HALL,
1127 Munsey Building, Washington, D. C.,
Attorneys for Complainant.

Order

Filed April 30, 1924

* * * * *

This cause coming on to be heard on the plaintiff's motion to strike out the suggestion of the United States of America filed herein by the Attorney General of the United States on the 11th day of April, 1924, and the court having considered the said suggestion and the facts therein brought to its attention carefully and with the deliberation to which such a suggestion is entitled, and being of the

55 opinion that the facts therein alleged are immaterial and irrelevant to this cause, and that the said suggestion is insufficient in law to maintain a claim on behalf of the United States, it is hereby ordered this the 30th day of April, 1924, that said motion to strike out be, and the same is hereby, granted.

WENDELL P. STAFFORD,
Justice.

I consent as to form.

DEAN HILL STANLEY.

From the foregoing order the United States of America notes an appeal, in open court, to the Court of Appeals of the District of Columbia.

WENDELL P. STAFFORD,
Justice.

Assignment of errors

Filed May 7, 1924

* * * * *

Now comes the United States of America by Harlan F. Stone, Attorney General of the United States of America, and files the following assignment of errors upon which it will rely upon its appeal from the order and decree made by this honorable court on the — day of April, 1924, in the above-entitled cause:

First. That the court erred in ordering that the motion to strike out the suggestion of the United States of America filed in the said cause by the Attorney General of the United States of America on the 11th day of April, 1924, be granted.

56 *Second:* That the court erred in not overruling the motion to strike out the suggestion of the United States of America filed in the said cause by the Attorney General of the United States of America on the 11th day of April, 1924.

Third: That the court erred in not granting the prayers contained in the said suggestion of the United States of America filed by the Attorney General of the United States of America on the 11th day of April, 1924.

Fourth: That the court erred in not adjudging, ordering, and decreeing that the United States of America is a "person" within the meaning of that word as used in section 9 of the trading with the enemy act, as amended.

Fifth: That the court erred in not adjudging, ordering, and decreeing that the claim of the United States set forth in the suggestion of the United States of America filed as aforesaid in a proper claim within the meaning of section 9 of the trading with the enemy act as amended.

Sixth: That the court erred in not adjudging, ordering, and decreeing that the United States of America is entitled to have paid out of any money or other property held by the Alien Property Custodian or the Treasurer of the United States, which money or other property was at the time of the receipt thereof by the Alien Property Custodian or the Treasurer of the United States, the money or other property of the Imperial German Government, the amount of its debt against the Imperial German Government, as set forth in the said suggestion.

57 *Seventh:* That the court erred in not adjudging, ordering, and decreeing that any claim of the United States against the Imperial German Government is entitled to priority of payment out of any money or other property held by the Alien Property Custodian, and/or the Treasurer of the United States, which at the date of the receipt thereof by the said Custodian and/or the Treasurer, was the money or other property of the Imperial German Government.

All of which is respectfully submitted.

UNITED STATES OF AMERICA.

By HARLAN F. STONE,

Attorney General of the United States of America.

Service of copy of the above acknowledged this 7 day of May, 1924.

M. CARTER HALL,

Attorney for Plaintiff.

Designation of record

Filed May 7, 1924

* * * * *

The clerk will please prepare a transcript of the record on appeal in the above-entitled case and include therein the following:

Bill of Complaint

Suggestion filed by the United States of America by the Attorney General of the United States of America on the 11th day of April, 1924.

Motion to strike out the suggestion of the United States of America filed by the Attorney General of the United States of America.

Order granting motion to strike out the suggestion of the United States of America filed by the Attorney General of the United States of America, with the notation of appeal thereon.

Assignment of errors.

58 This designation of record.

UNITED STATES OF AMERICA.

By HARLAN F. STONE,

Attorney General of the United States of America.

Service of copy of the above acknowledged this 7 day of May, 1924.

M. CARTER HALL,

Attorney for Plaintiff.

59 *Supreme Court of the District of Columbia*

UNITED STATES OF AMERICA,

District of Columbia, ss:

I, Morgan H. Beach, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 58, both inclusive, to be a true and correct transcript of the record, according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 41153 in equity, wherein Securities Corporation General, a corporation, is complainant and Frank White, Treasurer of the United States, and Thomas W. Miller, Alien Property Custodian, are defendants, as the same remains upon the files and of record in said court.

In testimony whereof I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 3rd day of September, 1924.

[SEAL.]

MORGAN H. BEACH,

Clerk.

EW

(Indorsed on cover): District of Columbia Supreme Court. No. 4201. United States of America, Appellant, v. Securities Corporation General, a corporation. Court of Appeals, District of Columbia. Filed September 4, 1924. Henry W. Hodges, clerk.



20 In Court of Appeals of District of Columbia

No. 4201

UNITED STATES OF AMERICA, APPELLANT, *vs.* SECURITIES CORPORATION
GENERAL, A CORPORATION21 *Argument of cause*

Jan. 6 and 7

The argument in the above entitled causes was commenced by Mr. Dean H. Stanley, attorney for the appellants.

The argument in the above entitled causes was continued by Mr. M. Carter Hall, attorney for the appellees, and was concluded by Mr. Dean H. Stanley, attorney for the appellants.

22 In Court of Appeals of the District of Columbia

Opinion

[Title omitted.]

23 Mr. Justice VAN ORSDEL delivered the opinion of the court :

These cases are here on appeal from final decrees of the Supreme Court of the District of Columbia against appellants White, as Treasurer of the United States, and Miller, as Alien Property Custodian, defendants below, in which White, as Treasurer, is required, in cases numbered 4202, 4204, 4206, 4208, 4217, 4219, 4221, 4223, 4225, 4227, and 4229, to pay to the plaintiff in each case certain sums of money out of funds in the Treasury of the United States seized and held by him as property of the Imperial German Government.

These suits were brought in the Supreme Court of the District of Columbia by the holders of certain notes against the Imperial German Government, issued and sold by Germany prior to the entrance of the United States into the war. The notes were payable in American currency on April 1, 1917, five days prior to the declaration of war between the United States and Germany. Upon payment of interest in advance the maturity of the notes was extended to April 1, 1918.

Concededly the notes sued on constituted a debt within the meaning of the provisions of sec. 9 of the trading with the enemy act as amended, 42 Stats. 1511. It is averred in the bills of the respective plaintiffs that the Alien Property Custodian now has in his possession or to his credit in the Treasury of the United States, funds of the Imperial German Government which were paid and delivered to him under the provisions of the trading with the enemy act, and which are available by law and sufficient in quantity to pay plaintiff's claims both principal and interest.

Defendants, Miller and White, filed motions to dismiss the bills of complaint upon the grounds that the Imperial German Government, or its successor, is a necessary party to the suits, and that pursuant to the terms and provisions of the trading with the enemy act and the treaties between the United States and Germany, the United States is the owner of the moneys which plaintiffs seek in these suits to subject to the payment of their claims. The motions to dismiss were overruled and defendants answered admitting the citizenship and residence of the plaintiffs; that plaintiffs are "persons" within the meaning of sec. 9 of the trading with the enemy act, and that the Imperial German Government is an enemy within the meaning of the act. But as to other allegations in the bills, strict proof was demanded.

After answers were filed by defendants White and Miller, the Attorney General filed in each case a suggestion as to certain
24 rights of the United States, asserting in substance that the German Government, as a result of the war, is heavily indebted to the United States; that if the plaintiffs herein, and certain other claimants enumerated, are permitted to satisfy their claims against the fund now held in the Treasury of the United States to the account of the German Government, the said fund would be exhausted and there would be nothing from which the United States and other creditors could secure the payment of their claims, and that such a course would lead to an inequitable preference of creditors. It is then prayed on behalf of the United States that the bills be dismissed; that the claim of the United States be declared a valid and existing indebtedness which the Treasurer should be ordered to pay out of the fund aforesaid; that the court award the United States priority over other claims, or that it be entitled to share pro rata with other claimants in the distribution of the fund; that the court take jurisdiction of the claim of the United States against the Imperial German Government, and that the court order the claim of the United States paid out of said fund.

The plaintiffs filed motions to strike out the suggestion upon the grounds, among others, that the suggestion put in issue matters existing between the German Government and the United States, neither of which are proper parties to these suits; that the United States is not authorized to file such notice of claims under sec. 9 of the trading with the enemy act; that the court is without jurisdiction to determine the right of the United States in respect of the claims set up against the Imperial German Government, and that it appears on the face of the suggestion that the claims asserted have been settled between the United States and Germany by treaty, and are, therefore, not matters within the jurisdiction of the court, but are matters for diplomatic intercourse and settlement between the respective sovereigns.

The court sustained the motions to strike, from which the United States has appealed in cases numbered 4201, 4203, 4205, 4207, 4216, 4218, 4220, 4222, 4224, 4226, and 4228.

The cases were heard on bill and answer, and certain evidence introduced establishing that there was on June 13, 1924, to the account of the Imperial German Government in the Treasury of the United

States \$2,715,571, more than sufficient to satisfy the plaintiffs' claims. This sum was accounted for by record entries of the Treasury Department showing a fund of \$515,571, deposited by the Alien Property Custodian with the Treasurer, in Trust No. 555-Special, "Imperial German Government"; and the sum of \$2,200,000, transferred by order of the Custodian, March 9, 1923, from Trust No. 9322, "Undisclosed enemy No. 1," to Trust No. 555-Special, "Imperial German Government."

Three propositions are involved in these appeals:

First, is the Imperial German Government a necessary party to these suits?

Second, is the evidence adduced sufficient to establish the existence in the Treasury of the United States of a fund belonging to the Imperial German Government against which these claims may be asserted?

Third, has the United States the right to set up its claim against Germany as a defense in these suits, in order that it may lay claim to the funds in the Treasury which had been seized as funds of the Imperial German Government?

We come now to the consideration of the necessity of making the German Nationals, successor of the Imperial German Government, a party defendant in the present cases. The seizure of any enemy's property is justified as an act of war. Two courses were open to the United States, in respect of property belonging to an enemy or ally of enemy, either to seize the property and conserve it for future disposition, or to confiscate it. *Miller v. United States*, 11 Wall. 268. In either case the action of the Government would be sustained. Indeed the property of any enemy or ally of enemy, seized under the trading with the enemy act, so far as its return is concerned, is in a state of confiscation, since Congress specifically reserved to itself its future disposition. The property here in question, concededly enemy property, would be, but for sec. 9, the property of the United States, subject to whatever disposition Congress might deem proper. The seizure of the funds in question divested the German Government of all title or interest therein, and their subsequent disposition is a matter with which it is not concerned. *Munich Reinsurance Co. v. First Reinsurance Co. of Hartford*, 300 Fed. 345.

Section 9 of the trading with the enemy act is a remedial measure, affording the method by which property wrongfully seized may be restored to its proper owner; or by which debts "owing from an enemy or ally of enemy" may be recovered out of the property seized. To this extent, the United States has relinquished all claims it might otherwise have asserted under confiscation. Recovery under the act may be had either through executive allowance or by decree of a court. In all proceedings, however, against the funds so seized and held, the Alien Property Custodian or the Treasurer of the United States, or both, are made by the statute the proper defendants. The Alien Property Custodian stands in the relation of a common law trustee. His appearance as defendant furnishes all the protection to which the parties are entitled.

The silence of the trading with the enemy act as to the right or necessity of an enemy or ally of enemy to be made a party defendant is significant. The act in sec. 2, among other things, defines the term "enemy" as follows: "The word 'enemy,' as used herein, shall

be deemed to mean, for the purposes of such trading and of this act * * * (b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof." The act further defines the meaning of the term "person" and the meaning and significance of the words "United States." The German Government, therefore, was an enemy of the United States, within the terms of the trading with the enemy act.

The object of sec. 9 was to give a speedy and efficient remedy to nonenemy persons against losses and inconvenience liable to
 25 result from the strict enforcement of the act. To have required the joinder of the enemy-owner, as a party defendant in each instance, would have amounted to a denial of remedy to non-enemy creditors. This situation was well known and manifest to Congress. It may well be that an enemy-owner, for example the German Government in the present cases, could, upon request, be made a party defendant. *McVeigh v. United States*, 11 Wall. 259. But this could only be done at the request of the sovereign itself. No power resides in Congress or in the courts to require the sovereignty of Germany to become a party defendant in any action. This could only occur through the act of the sovereign itself.

It follows, therefore, that inasmuch as the German Government can not be brought into court, except at its own election, the court would be without jurisdiction of these cases, and the act would be a mere nullity. It is elementary that debts due from a friendly nation can not be enforced in the courts of the creditor nation.

In proper sequence the contention that the United States is a proper party to these suits may next be considered. This is urged substantially upon two grounds: First, that the United States may enforce a prior claim against this money in the hands of the defendants in order to protect itself against losses sustained during the war. Second, that the fund should be held by the defendants to satisfy claims arising under the provisions of the treaty of peace made between Germany and the United States on August 25, 1921, which embraces all persons, citizens of the United States, who suffered damages and injuries to person or property at the hands of the Imperial German Government.

Again, the silence of the trading with the enemy act as to the necessity of the United States being made a party to suits brought under sec. 9 and the specific designation of the Alien Property Custodian or the Treasurer or both as defendants is significant. It is nowhere provided in the act that enemy funds in the possession of the defendants may be subjected to the payment of claims due the United States. Nor do we think that the United States is a "person," as mentioned in sec. 9 of the act, or such a party as can take advantage of the provisions thereof. It may be suggested that if, as contended, the United States can assert a claim in the courts against this fund, the action should be brought by the United States directly, it can not be asserted through intervention by way of suggestion, or by motion to dismiss in the present cases. In other words, the United States has no such interest in the fund here in question as can be

effected by the present suits. The fund has been set aside by the act for the satisfaction of such claims as may be legally brought against it by claimants other than the United States. The United States has relinquished any interest it may have had in the fund in favor of creditors of the enemy, in this instance the German Government. The claims here asserted, are, therefore, not against the United States. "While the suit, as held in *Banco Mexicano v. Deutsche Bank*, 263 U. S., 591, 603 (affirming 289 Fed. 924), is one against the United States, the claim was not against it. No debt was alleged to be owing from it to the plaintiff." *Miller v. Robertson*, 400 U. S. 600. (October term, 1924.) In other words, the rule of sovereign immunity from liability does not apply.

The contention that in addition to plaintiffs' claims there are outstanding claims being asserted against the fund in question, which in the aggregate amount to \$3,257,945, or more than the amount of the fund now in the Treasury, is of no importance. Section 9 (a), as amended, provides, among other things, as follows: "If suit shall be so instituted, then such money or property shall be retained in the custody of the Alien Property Custodian, or in the Treasury of the United States, as provided in this act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant, or by the Alien Property Custodian, or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated."

It is clear from the terms of the act that a suit brought under it is not in the nature of a creditor's bill calling for a marshalling of claims, nor does it give any preference to one creditor over another, or call for a sharing pro rata with other creditors in the funds against which the claims are made. This court has no jurisdiction over the outstanding judgments, nor is it concerned with the ability of the fund in the Treasury to meet the various claims against it. The contentions of the Government in these particulars might have been provided for by Congress, but they were not, and the court must apply the law as it finds it.

Coming now to the question of the sufficiency of the evidence adduced by plaintiffs to sustain the judgments of the court in the respective cases, there appears in paragraph 8 of the bill of complaint the following allegation: "That the Alien Property Custodian now has in his possession or to his credit in the Treasury of the United States funds of the Imperial German Government, which were paid and delivered to him under the provisions of said trading with the enemy act, as amended, and which are available by law, sufficient to pay the entire indebtedness, both principal and past due interest owing to complainant."

The defendants, answering this paragraph, alleged that they had no knowledge or information sufficient to form a belief with respect to the averments of paragraph 8 of the bill of complaint, and, there-

fore, demand strict proof thereof. In support of this averment of the plaintiffs, the answer filed by the defendants Miller and White in the case of the Mechanics Securities Corporation *v.* Frank White, as Treasurer of the United States, and Thomas W. Miller, as Alien Property Custodian, then pending in the Supreme Court of the District of Columbia, and submitted on this appeal as No. 4195, was offered and received in evidence over objection and exception by defendants. The answer in that case, made under oath by the defendants, set forth that the Custodian had turned over to the

26 Treasurer \$515,571, which was deposited in Trust No. 555-Special, "Imperial German Government"; and that there had been transferred to the same trust \$2,200,000 from Trust No. 9322, "Unknown enemy No. 1," making a total credit to Trust No. 555-Special, "Imperial German Government," of \$2,715,571. The status of these respective trusts was also shown by true copies of record entries from the Treasury Department, which were put in evidence.

This was unquestionably competent evidence and sufficient in character to establish a *prima facie* case as to the existence of funds seized from the Imperial German Government and held in the Treasury against which the claims of plaintiffs could be asserted. As was said in *Pope v. Allis*, 115 U. S. 363, 370: "When a bill or answer in equity or a pleading in an action at law is sworn to by the party, it is competent evidence against him in another suit as a solemn admission by him of the truth of the facts stated. *Studdy v. Sanders*, 2 D. & R. 347; *De Whelpdale v. Milburn*, 5 Price 485; *Central Bridge v. Lowell*, 15 Gray 106; *Bliss v. Nichols* 12 Allen, 443; *Elliott v. Hayden*, 104 Mass. 180; *Cook v. Barr*, 44 N. Y. 156; *Taylor on Evidence*, sec. 1753, 7th ed., *Greenleaf Evidence*, secs. 552, 555."

The truth of these statements is not controverted. The only attempt made by defendants to rebut this testimony was the offer of a copy of a letter, dated March 14, 1924, from the Alien Property Custodian to the Secretary of the Treasury, attempting to withdraw the instruction sent to the Secretary of the Treasury, under date of March 10, 1923, directing the transfer of the \$2,200,000 from Trust No. 9322 to Trust No. 555-Special, "Imperial German Government." The court sustained the objection of plaintiffs to the admission of this letter in evidence, to which ruling defendants excepted. It is contended by plaintiffs that it was beyond the power of the custodian to thus shift the fund during the pendency of these suits. Counsel for defendants, on the contrary, state in their brief that "the plaintiff in the cause must rely as to the two million two hundred thousand dollars above upon the instructions given by the custodian after the money had been seized as belonging to an unknown enemy. If the custodian had authority to change the ownership of the money at the time referred to in the original answer, he had just as much authority to change it and order it held to the credit of the unknown enemy again."

We are not impressed by this contention. The transfer of the \$2,200,000 to Trust No. 555-Special, "Imperial German Government," on March 8, 1923, was a determination by the custodian of

the enemy ownership of the fund. It amounted to a finding after investigation that the fund should be held "for, by, on account of, or on behalf of, or for the benefit of" the Imperial German Government. There was no change of the ownership by the custodian when the fund was transferred on March 8, 1923, since there is nothing in the record to indicate that the ownership up to that date had been specifically determined. The custodian, then exercising the power imposed upon the President, determined specifically the enemy ownership of this fund. In further support of the lack of evidential effect of the letter of March 14, 1924, it contains no reasons, nor is it supported by any evidence, which challenges or affects the correctness of the former determination of enemy ownership.

It was not within the power of the custodian to defeat the present actions during their pendency in the court below by his attempted transfer of the fund back to "unknown enemy Trust No. 9322." In case of suit the statute itself provides for the retention of the money or property in the custody of the Alien Property Custodian or the Treasurer of the United States to await the final judgment or decree. It is clear, therefore, that the custodian having determined the question of enemy ownership, and having designated the fund in the Treasury to which it belonged, could not, without at least good and sufficient reasons, by the mere transfer of this fund so change the status of the property in litigation as to destroy claimant's cause of action while suit was pending.

In the appeals against the Equitable Trust Company of New York, Numbers 4207 and 4208, counsel for appellee company challenge the right of the United States to prosecute an appeal in these cases under sec. 226 of the Code of the District of Columbia providing that "any party aggrieved by any final order, judgment, or decree of the Supreme Court of the District" may appeal to this court. The objection is based upon the ground that the United States "was not a party in any sense or aspect of the case in the court below, and it never at any time sought to have itself made a party by intervention or otherwise." Consequently there is no final order or decree from which it may appeal. We think this objection to the right of appeal by the United States must be sustained. No petition was filed in the court below by the United States for right to intervene, nor can the suggestion filed be treated as a petition for intervention. The order striking the suggestion from the files was a mere interlocutory order, which could not furnish the basis for a separate appeal. The attempt here made by the United States is to conduct separate appeals, and thereby avoid any connection with the original cases.

The lack of necessity for intervention by the United States is apparent. The Alien Property Custodian and the Treasurer are made defendants by the express terms of the act, and as such have power to defend the interests of the United States. This they have attempted to do in the original cases by motion to dismiss for lack of proper parties. In support of this motion they could have advanced all the reasons for making the United States a party defendant, that have been suggested in the paper sought to be filed in the court below. The appeals of the United States in these cases will be dismissed.

Counsel have likewise challenged the right of appeal to this court by the Alien Property Custodian and the Treasurer, on the ground that the trading with the enemy act is a special statute and in the absence of specific provision for appeal, appeal can not be prosecuted under sec. 226 of the District Code. The act provides specifically for appeals in cases arising under it from the district courts of the United States to the Circuit Court of Appeals, but makes not provision specifically for an appeal to this court from the judgment or decree in a suit instituted in the Supreme Court of the District of Columbia.

Without stopping to review this contention at length, we are of opinion that it was the intention of Congress that a right of appeal should be retained in all cases brought under the act, and inasmuch as many of these cases have been appealed and considered by this court and a number of them on further appeal considered by the Supreme Court of the United States without this objection having been heretofore interposed, we will refuse now to interrupt this course of procedure. We hold, therefore, that the right of appeal in these cases is within the provisions of sec. 226 of the District Code.

In the aforesaid cases in which the United States is appellant, the appeals are dismissed. In the cases in which Frank White, Treasurer of the United States, and Thomas W. Miller, Alien Property Custodian, are appellants, the decrees are affirmed with costs.

28 In Court of Appeals of District of Columbia

[Title omitted.]

Judgment

March 2, 1925

Appeal from the Supreme Court of the District of Columbia. This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this court that this appeal be, and the same is hereby, dismissed.

Per Mr. JUSTICE VAN ORSDER.

MARCH 2, 1925.

Judge JAMES F. SMITH of the U. S. Court of Customs Appeals sat in this case in the place of Mr. Chief Justice MARTIN.

29 In Court of Appeals of District of Columbia

[Title omitted.]

Petition for appeal

Filed May 2, 1925

Now comes your petitioner, the United States of America, by John G. Sargent, Attorney General of the United States, appellant in the

above-entitled cause, and shows unto the court that on the 2nd day of March, 1925, a decision was rendered and a decree entered against it herein, in which decision and decree, to its damage and prejudice, certain errors were committed, as will appear from the assignment of errors filed herewith.

Your petition further shows that the decree of the Court of Appeals herein is subject to review by the Supreme Court under the provisions of paragraphs fifth and sixth of section 250 of the
30 Judicial Code in that the existence and scope of the power and duty of an officer of the United States, to wit, the Alien Property Custodian, is drawn in question, and that this is a case in which the construction of a law of the United States is drawn in question by the defendants, to wit, the trading with the enemy act as amended.

Wherefore, your petitioner prays the allowance of an appeal to the Supreme Court of the United States for the correction of the errors complained of, and that a transcript of the record, proceedings, and papers in this cause, duly authenticated, may be sent to the said Supreme Court, and it appearing that this appeal is brought up by the United States, that no bond, obligation or security shall be required from the United States to answer in damages or costs, and that the said appeal shall operate as a supersedeas.

THE UNITED STATES OF AMERICA,
By JOHN G. SARGENT,
Attorney General of the United States.

Service of a copy of the above petition for appeal received this 1st day of May, 1925.

M. CARTER HALL,
Attorneys for the Appellees.

31 In Court of Appeals of District of Columbia

[Title omitted.]

Assignment of errors

Filed May 2, 1925

And now comes the United States of America, by John G. Sargent, Attorney General of the United States, the appellant herein, and says that in the record and proceedings of the Court of Appeals in the above-entitled cause and in the rendition of the final decree therein manifest error has intervened, to the prejudice of said appellant in this, to wit:

(1) The court erred in ordering, adjudging, and decreeing that the appeal of the United States of America from the order entered in the Supreme Court of the District of Columbia on the 30th day of April, 1924, be dismissed.

(2) The court erred in deciding and adjudging that the United States is not a "person" as mentioned in section 9 of the trading with the enemy act or such a party as can take advantage of
32 the provisions thereof.

(3) The court erred in adjudging and deciding that the United States has no such interest in the fund in question as can be affected by the present suit.

(4) The court erred in deciding and adjudging that the fund in question has been set aside by the trading with the enemy act for the satisfaction of such claims as may be legally brought against it by claimants other than the United States.

(5) The court erred in deciding and adjudging that the United States has relinquished any interest it may have had in the fund in favor of creditors of the enemy, in this instance the German Government.

(6) The court erred in not deciding and adjudging that the United States is a "person" within the meaning of section 9, trading with the enemy act, as amended.

(7) The court erred in not deciding and adjudging that the United States is entitled to assert its claims against the fund in question.

(8) The court erred in adjudging and deciding that the order striking the suggestion of the United States from the files was a mere interlocutory order which could not furnish the basis for a separate appeal.

(9) The court erred in deciding and adjudging that the United States was not a party in any sense or aspect of the case in the court below, and it never, at any time, sought to have itself made a party by intervention or otherwise.

33 (10) The court erred in not ordering, adjudging, and decreeing that the order of the Supreme Court of the District of Columbia striking out the suggestion of the United States be reversed and the cause remanded with instructions that the motion to strike out the suggestion of the United States be overruled.

UNITED STATES OF AMERICA.

By JOHN G. SARGENT,

Attorney General of the United States, Its Attorney.

Service acknowledged this 1st day of May, 1925.

M. CARTER HALL,

Attorney for Appellee.

[File indorsement omitted.]

34 In Court of Appeals of District of Columbia

[Title omitted.]

Order allowing appeal

May 4, 1925

On consideration of the petition for the allowance of an appeal to the Supreme Court of the United States in the above-entitled cause, it is ordered by the court that said appeal be, and the same is hereby, allowed as prayed, the same to operate as a supersedeas.

35 [Citation in usual form showing service on M. Carter Hall, filed May 4, 1925, omitted in printing.]

36

In Court of Appeals, District of Columbia

[Title omitted.]

Præcipe for transcript of record

Filed May 2, 1925

The clerk will please prepare a transcript of record on appeal to the Supreme Court of the United States in the above-entitled cause and include therein the following:

The printed record in the Court of Appeals.

Minute entry as to argument of case.

The opinion.

The decree.

Petition for the allowance of appeal and assignment of errors.

Order allowing appeal.

Citation.

This designation.

THE UNITED STATES OF AMERICA,
By JOHN G. SARGENT,

Attorney General of the United States, Its Attorney.

Service acknowledged 1st day of May, 1925.

M. CARTER HALL,
Attorney for Appelle.

[File indorsement omitted.]

37

Court of Appeals of District of Columbia

Clerk's certificate

I, Henry W. Hodges, clerk of the Court of Appeals of the District of Columbia, do hereby certify that the foregoing printed and type-written pages numbered from 1 to 36, inclusive, constitute a true copy of the transcript of record and proceedings of said Court of Appeals in the case of United States of America, appellant, vs. Securities Corporation General, a corporation, No. 4201, April term, 1925, as the same remain upon the files and records of said Court of Appeals.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court of Appeals, at the city of Washington, this 5th day of May, A. D. 1925.

[SEAL.]

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

[Indorsement on cover:] File No. 31,131. District of Columbia, Court of Appeals. Term No. 424. The United States of America, appellant, vs. Securities Corporation General. Filed May 8th, 1925. File No. 31131.